

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

11.580 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND VIOLA
GARZA, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL NO.: 7:20-CV-165

UNITED STATES OF AMERICA’S STATUS UPDATE

On February 8, 2021, the Court set a deadline for the United States of America (hereinafter “United States”) to file a status report regarding the status of the probate proceedings related to this case by April 2, 2021¹, pursuant to that Order the United States updates the Court as follows:

1. The Estate of Rolando J. Vallejo, deceased is still pending in the Probate Court of Hidalgo County, Texas.
2. As of April 2, 2021, the hearing for the Estate of Rolando J. Vallejo on Application for Probate of Will and Issuance of Letters Testamentary has *not* been reset, nor has an Order been issued.

¹ Dkt. No. 26.

3. As soon as the Probate Court of Hidalgo County identifies an executor/executrix for the Estate of Rolando J. Vallejo the United States will file the appropriate motion to add the executor/executrix as a party to the case, and once added, will seek proper service.

4. Additionally, the United States is still awaiting guidance in light of the Presidential Proclamation on January 20, 2021, which paused all construction on the southern border and ordered a “careful review of all resources appropriated or redirected to construct a southern border wall related to the border wall project.”²

5. This case sought to acquire a fee simple interest in property identified as Tract RGV-RGC-9047.³ While title to Tract RGV-RGC-9047 has vested in the United States by operation of law⁴, the United States has not yet obtained possession of the property.⁵

6. Construction of the border wall has not yet begun on Tract RGV-RGC-9047; however, there has been some clearing of brush and work related to access roads on or near the parent tract.

7. In conclusion, the Estate of Rolando J. Vallejo has yet to be served and the border wall project for Tract RGV-RGC-9047 could be impacted by the findings of the referenced 60-day plan when finalized.⁶

² Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>.

³ Dkt. No. 2.

⁴ 40 U.S.C. § 3114(b).

⁵ Dkt. No. 14.

⁶ See Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021) at Sec. 2.

Respectfully submitted,

JENNIFER B. LOWERY

Acting United States Attorney
Southern District of Texas

By: **s/ Megan Eyes**

MEGAN EYES

Assistant United States Attorney
Southern District of Texas No. 3135118
Florida Bar No. 0105888
1701 W. Bus. Hwy. 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 618-8016
E-mail: Megan.Eyes@usdoj.gov
Attorney in Charge for Plaintiff

CERTIFICATE OF SERVICE

I certify that on April 2, 2021, a copy of the foregoing was electronically filed in the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record and was provided to all potential heirs of Rolando J. Vallejo, deceased by electronic mail.

By: **s/ Megan Eyes**

MEGAN EYES

Assistant United States Attorney